

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK**

ROBERT W. JOHNSON,

Plaintiff,

5:22-cv-426 (BKS/ATB)

v.

STEWART D. AARON, et al.,

Defendants.

Appearances:

Plaintiff pro se
Robert W. Johnson
Watertown, NY 13601

Hon. Brenda K. Sannes, United States District Judge:

DECISION AND ORDER

On May 3, 2022, Plaintiff pro se Robert W. Johnson filed a form Bivens Action complaint with a motion for leave to proceed *in forma pauperis* (“IFP”). (Dkt. Nos. 1, 2). This matter was referred to United States Magistrate Judge Andrew T. Baxter who, on June 21, 2022, granted Plaintiff’s application to proceed IFP, and issued a Report-Recommendation, recommending that Plaintiff’s complaint be dismissed with prejudice because the complaint was, inter alia, frivolous and in light of Plaintiff’s “history of abusive, frivolous filings.” (Dkt. No. 10, at 6–7). Plaintiff was informed that he had fourteen days within which to file written objections to the report under 28 U.S.C. § 636(b)(1), and that the failure to object to the report within fourteen days would preclude appellate review. (*Id.* at 6). The Report-Recommendation was mailed to Plaintiff’s last known address but returned to the Court marked “Return to Sender, Moved Left No Address, Unable To Forward.” (Dkt. No. 11). On August 1, 2022 this court

issued a Decision and Order granting plaintiff an additional fourteen (14) days to file his current address and objections, if any, to the Report-Recommendation. (Dkt. No. 12.) The Decision and Order was mailed to Plaintiff's last known address, but returned to the Court marked "Moved Left No Address, Unable to Forward, Return to Sender." (Dkt. No. 13).

As no objections to the Report-Recommendation have been filed, and the time for filing objections has expired, the Court reviews the Report-Recommendation for clear error. *See Petersen v. Astrue*, 2 F. Supp. 3d 223, 228–29 (N.D.N.Y. 2012); Fed. R. Civ. P. 72(b) advisory committee's note to 1983 amendment. Having reviewed the Report-Recommendation for clear error and found none, the Court adopts it in its entirety.

For these reasons, it is


ORDERED that the Report-Recommendation (Dkt. No. 10) is **ADOPTED** in its entirety; and it is further

ORDERED that the Complaint is **DISMISSED WITH PREJUDICE**; and it is further

ORDERED that the Clerk of the Court serve a copy of this Decision and Order on Plaintiff in accord with the Local Rules.

IT IS SO ORDERED.

Dated: August 29, 2022
Syracuse, New York


Brenda K. Sannes
U.S. District Judge